



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

Minutes

Newington Town Council

June 8, 2010

Mayor Wright called the meeting to order at 7:00 pm in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present:

Councilor Banach
Councilor Casasanta
Councilor Cohen
Councilor Lenares
Councilor McBride
Councilor Nagel
Council Nasinnyk
Mayor Wright

Councilor Absent

Councilor Klett

Staff Present

John Salomone, Town Manager
Ed Meehan, Town Planner
Ann Harter, Finance Director
Marian Amodeo, Library Director
Roy Zartarian, IT Computer Specialist
Jaime Trevethan, Exec. Asst. to the Town Manager
Mary Richard, Council Clerk

III AWARDS/PROCLAMATIONS

A. Retirement – Marian Amodeo, Library Director

Mayor Wright invited Ms. Amodeo to the front and moved the following:

WHEREAS, Marian Amodeo was hired as a Librarian I for the Lucy Robbins Welles Library in the Town of Newington on July 18, 1977, was promoted to the position of Librarian III, Head of Children's Services in March 1982 and was named Assistant Library Director in October 1997; and

WHEREAS, Ms. Amodeo has shown exemplary initiative throughout her career with the Town and was instrumental in introducing numerous programs throughout the Library, including the installation of computers in the Children's Department, and the implementation of effective programs to assist the disabled in utilizing the Library's services and was instrumental in all phases of the four-year Library expansion project which was completed in 1988; and

WHEREAS, Ms. Amodeo was nominated for and received the prestigious Faith Hektoen Award for Excellence in Children's Services in 1991; and

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WHEREAS, Ms. Amodeo was appointed as Acting Library Director in December 1997 and amid glowing recommendations from Library staff, the Library Board of Directors and members of the public Ms. Amodeo was appointed as Library Director in May 1998 ; and
WHEREAS, Ms. Amodeo served as acting Town Manager from January through August 2006; and
WHEREAS, Ms. Amodeo received a Lifetime Achievement Award from former Mayor Mortensen in 2006 in recognition of her numerous contributions and accomplishments throughout her career; and
WHEREAS, Ms. Amodeo has spent countless hours coordinating programs with various Town departments, has served on numerous employee interview panels and has volunteered her time to many causes including the former Newington Children's Hospital and the Connecticut Library Association Legislative Committee; and
WHEREAS, the Library has flourished under Ms. Amodeo's able leadership, guidance, and innovation, her strong encouragement of staff development and unwavering commitment to maximize the ability of the Library to serve the public and business community in a professional and helpful manner; and
WHEREAS, Ms. Amodeo's reputation as a skilled Library Director is recognized State-wide; and
WHEREAS, Ms. Amodeo has accepted the position of Chief Public Services Officer for the Hartford Public Library and will retire from her position with the Town of Newington after nearly thirty-three years of service;
NOW, THEREFORE, BE IT RESOLVED, That the Newington Town Council hereby extends heartfelt appreciation to Marian Amodeo for her many years of service to the Town of Newington, congratulates Ms. Amodeo on her retirement and new endeavor, and wishes her much success in the future.

MOTION BY: Mayor Wright

SECONDED BY: Councilor Cohen

VOTE: 8 – 0 Councilor Klett absent

Comments from Councilors:

Councilor Casasanta noted that Ms. Amodeo's dedication to our Library has been incredible, and to be somewhere for 33 years as she has done is outstanding and as a friend and Councilor Casasanta knows that she will be missed and knows that she will do well, and she deserves the best. Councilor Nagel said that before the meeting he had given Ms. Amodeo a pre-congratulation hug and aside from all the wonderful compliments she had achieved he feels beyond that it's the personal relationship she has with individuals, the Council, the Library Board, her staff and everyday people makes her more outstanding and he congratulated her on a new and exciting future.

Councilor McBride said that Ms. Amodeo is a large part of Newington, and he has seen her offer so many contributions to the Library, and her greatest contribution is when he captivated him as a child when she would read to the children, with her ability to relate to the children and hopefully he said that he hopes he can be as captivating with his own children.

Councilor Cohen said that she can't put into words everything she wants to say, but Councilor Cohen said that Ms. Amodeo got on offer she couldn't refuse, although she wished she had, and thanked Ms. Amodeo for all of her contributions to the Town and the Library. Councilor Nasinnyk said that all her children have always been involved with the Library and are very good readers now and it's because of Ms. Amodeo's personality and her drive and support of the staff comes from the top down and having been on the Library board Councilor Nasinnyk said she could see the admiration and in all the members of the Town who came out this year be make sure the Library hours were not cut and, personally, professionally with all the things Ms. Amodeo has done. Councilor Nasinnyk wished her the best

Councilor Banach said that the Library was a staple of his children's lives when his oldest son when he was the youngest would refer to it as the 'library'. He thanked Ms. Amodeo for that and especially that she has taken an entire organization and moved it to the forefront of all the libraries in the State which is quite an accomplishment, plus all her other services to the Town. He said he is deeply grateful. Councilor Lenares thanked Ms. Amodeo for the grand tour earlier this year, most people don't really realize how busy the Library is and the tremendous staff and he thanked her for that and wishes her the best in the future.

Public Comment

Former Mayor Rod Mortensen said that looking back at Newington's history there have been a few employees, and these people have put their heart and soul into taking care of Newington and Ms. Amodeo is one of those people. He said that he was not a good student, never went to the Library but when he became Mayor it was a tough time and we were without a Town Manager and Ms. Amodeo stepped up to the plate by way of dedication, compassion, and Mayor Mortensen, having not been here for 12 years and Ms. Amodeo did a phenomenal job. And for all the people of Newington, some who have never met her, on behalf of them and for himself personally, he congratulated her.

Eric Rothauser said that it is very hard to say goodbye and she will be missed very much. As a child he was always aware of her presence in the Children's Library and also the experience of his first job of being at the Library and he can't imagine people who didn't have that experience and now as Library Board President, he feels they have another relationship. He promised Ms. Amodeo that the Library will keep up the level of excellence that she taught all of them.

Roy Zartarian said that Ms. Amodeo and himself have been friends for a while. He noted that the award that Ms. Amodeo received in 1991, the Faith Hektoen award, it is the highest award that can be bestowed to a Children's Library in the State of Connecticut, done by professional peers. He said that these qualities that got Ms. Amodeo that award and brought her to where she is today. Secondly, there was reference to her installation of computers in the Children's department. Now in the Library you will see public use computers, probably getting more attention than books and magazines. That whole concept of public use computers began with Ms. Amodeo. He also stated that no one should ever call her "Marian the Librarian".

Mike Casasanta said that Ms. Amodeo has been involved in a variety of organizations and he is privileged to have gotten to know Ms. Amodeo through membership at the Newington Chapter of Unico National and though the years she has grown to someone deserving great admiration and respect and he's very proud to call her his friend.

Judy Igielski said that when she first thought about Ms. Amodeo leaving was her daughter Susan who as a child and wanted a card when she was 3 or 4 and at that point she couldn't get a card until the child was in first grade and started to read on their own. Well Ms. Amodeo, as we know is a visionary and now anyone can get a card at six months or a year old. Her daughter also worked at the Library as a page and showed movies in the now Senior Center and one special treat provided by Ms. Amodeo to her staff, with no air conditioning then, was Sunday at Friendly's on Friday.

Sharon Braverman said that as a family of Newington with the greatest number of overdue fines believes that the Library is the center and the heart of Newington and in a large part due to Ms. Amodeo and her staff. The Hartford is very lucky to have her vision and what she will bring to them.

Cathy Hall said that the proclamation just began to scratch the surface of all Mr. Amodeo has done for Newington, and anything having to do with the Town Ms. Amodeo was always there. She said that Ms. Amodeo has given everything she can to the Town of Newington, and we appreciate all she has done and she thinks that Hartford has made a wonderful choice.

Mady Kenny added another name "matanzio" and speaking as a parent who is most grateful for your making the Library an inviting warmth for all the children. It was always a place of choice.

Mr. Salomone said that along with Mayor Mortenson's comments having the helping hand of Ms. Amodeo, his job was a lot easier with her help with the transition. He thanked her again for all she has done. Mayor Wright said that with all the great things said, he added enthusiasm, vision and leadership. He said that Mr. Amodeo has brought all those things to Newington. He said that as a little kid, his family lived just down the street from the Library. He said that probably because of her enthusiasm is one reason why she's leaving to go on to the next challenge. Her vision is also a characteristic and brought the Library to where it is, along with her leadership. He thanked her for putting her heart and soul into this Library.

Mayo Wright said that there has been a lot of good things said about Mr. Amodeo and he closed with three words, enthusiasm, vision and leadership. He said that she has brought all three of things to the Town of Newington with her heart and soul. Her enthusiasm, no one could doubt that, he saw it as a little kid. His family practically lived at the Library and everything she has done has made the Library and the Town what it is today.

That enthusiasm is part of the reason why she is leaving and going on to the next challenge because she has always looked forward to the next and it's that same vision is part of that too. Having one of the best Libraries in the State of Connecticut doesn't happen by accident. She is one who was fighting, kicking and screaming and pushing along the whole way and it's that vision in her that set the table for future expansion of the Library. Twice a year she held the book sale with the Friends and raised about \$30,000 a clip and it's that leadership which is an overall embodiment of what she has accomplished. He asked Ms. Amodeo if she ever expected to see the Councilors and the Mayor being former kids she had read to. He wished Ms. Amodeo the very best and thanked her for putting all of her heart and soul into this Town and this Library.

Ms. Amodeo said that she is overwhelmed and wants to say goodbye to the people of Newington and when thinking of her, the people will think that she has made a small difference in their lives and the lives of their children and that I built a Library of which the Town can be particularly proud. She said that she is leaving a little piece of her heart and soul with this Town that she loves so much.

IV PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive – for over 50 years there's been a partially paved walking and bike path to the Senior Center and the High School. The lack of maintenance and public abuse is routinely fallen into a state of disrepair, garbage, graffiti and trash dumped. In 2007 residents of the street surrounding the pathway voiced their concerns regarding safety, notified the Police Department, the Board of Education, the Conservation Commission and the Board of Parks & Recreation. The response to those concerns in 2008, Troup 247 stepped up and took on the clean up of the Meadow Pathway as an Eagle Scout project. Shortly thereafter Officer Mike Webster and Jennifer Walker organized for the clean up. At that time suggestions were made for future upkeep. Within two years the path deteriorated to the point where people were disinclined to use it. Then Travis Francis of Troup 365 took on the clean up as his Eagle Scout project. The result made it a thing of pride, a place where people can walk and the Town made a verbal commitment and bears that responsibility. She suggested that anyone who might have suggestions for the solution to this problem should bring them to the Town's attention, either at the Council meetings or by phone.

Gail Bodrayco, Isabel Terrace – said that it is disturbing that some members of this Council are not listening to the issue of high density housing. The public has made it clear that no high density housing is needed or wanted. This kind of housing will mean additional revenue such as Police, Fire, schools, social services, recreation and waste management to name a few. With our limited space it must be managed. She believes that the wording must be kept as planned and future TPZ members will be guided by the plan. She asked the Council endorse the revised plan as presented by the TPZ.

Travis Francis, Hartford – said that the Eagle project on New Meadow Trail has been vandalized and many peers were outraged with the vandalism, i.e. the memory of the Police Officers, more graffiti has been added and people are upset. He asking once again, maybe street lights could be considered or security cameras.

Mady Kenny, 53 Crestview Drive – feels that it is outrageous that the previous speakers had to speak so fast to keep with the time frame that much of the message is missed. She feels that this information is important and should be absorbed and considered. She feels that the phone lines need to be open and respectfully requests that the time granted the public be readdressed.

Bernadette Conway said that the TPZ has spent so much time and effort and meets the needs of the Town and it's worth mentioning that it was good to see Councilors Cohen, Nasinnyk and McBride at the TPZ meeting last week, they asked questions and she was impressed with that. Also after seeing Travis here for the pathway, she appreciates what he has done and hopes he can get the support needed for that project.

V. CONSIDERATION OF OLD BUSINESS

A. Appointment of Auditor

Councilor Casasanta moved the following resolution:

RESOLVED:

Per Section 610 of the Newington Town Charter, the firm of Blum Shapiro is hereby appointed as auditor for the Town of Newington for the fiscal year ending June 30, 2010; said firm agrees to file a complete report on or before December 15, 2010.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nasinnyk
VOTE: 8 – 0 Councilor Klett absent

B. Actions Concerning Revenue Collection

1. Transfer to the Suspense Tax List

Councilor Casasanta moved the following:

RESOLVED:

The Newington Town Council hereby authorizes transfers in the amount of \$75,897.52 to the Suspense Tax Book for the years 2007-2008 through 2008-2009. This action is being taken upon the recommendation of the Revenue Collector and as shown in a report dated May 18, 2010.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nasinnyk
VOTE: 8 – 0 Councilor Klett absent

2. Removal of Outstanding Balance from 1994 Grand List

Councilor Casasanta moved the following:

RESOLVED:

The Newington Town Council hereby authorizes the outstanding balance from the 1994 Grand List in the amount of \$6,029.49 be removed from the Town's receivable assets as of June 30, 2010 as per the recommendation of the Revenue Collector.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nasinnyk
VOTE: 8 – 0 Councilor Klett absent

C. 2010-2020 Plan of Conservation and Development – Draft #3

Regarding the four new Resolutions added to the Plan of Conservation & Development – Draft #3 Mr. Salomone said that this first resolution gets away from TPZ using the Tax bills to notify residents but would use a data base separate from the tax bills. The second refers to the usage of the words and would substitute “shall discourage any changes” with “may discourage any changes”. “May” is a less definitive statement and gives flexibility to the fluency to look at each zone change on the merits. He said that a plan should be more general and not get into specifics without hearing the merits of each zone change. “Shall” is a much stronger term than “may” but “may” still acknowledges that making a zone change is a significant event and should be pursued cautiously. The third recognizes that the Fenn Road area is a gateway area and it discusses that the TPZ will consider the economic situation as well as the unique opportunities of the area. The Resolution would not have phrasing such as “high density housing” or “transit oriented development” in the plan but would recognize that Fenn Road does have potential and not be pigeon holed into any particular program without due consideration. The fourth he called “Councilor Cohen amendment” and would be the omnibus which gets into a lot of editing and she has done an excellent job at looking at the plan and making certain changes. These are attached to the Resolution with details. He said that these four items have been discussed with the Planner and did share them with Mr. Pruett and try to get a basis to discuss them tonight. He said that this event should be wound up by the end of June so the input from this Council is important so they can make their final deliberations at the next meeting.

Mr. Dave Pruett said that the reason for his being here tonight is to convey to you the communication that took place at the TPZ held on May 26th. The meeting was very successful with a lot of discussion for the three Councilors present. Three points to reemphasize, 1) the limit the open remaining space with the Town 92% developed, 2) continue the previous ten year plan of not having high density housing 3) to protect Newington's unique stature as town with a small town character and a medium density single family owner operated community. The main concern from the meetings with the consensus of the TPZ Commissioners was to address the concerns in a formal manner, rather than placing the TPZ in the position of entertaining a formal resolution. The rationale being that the Commission is made up of qualified members with knowledge and experience in land use planning, and the plan was conducted in an open forum where numerous residents had the opportunity to voice their opinions which resulted in very useful additions to the plan. The combined input and exchange of ideas was extremely beneficial in our attempts to come to closure in this endeavor. This is echoed by Councilors Banach, Nasinnyk, Cohen, McBride and Klett that if the plan should be revised it should be done in a formal statement to the TPZ for final review. This plan is flexible in the area that best protects the public interest with the new Vision Statement, Page 2 of draft #3. "Newington will continue to recognize that quality of life in this community is influenced and enhanced by the non residential land uses that support the Town's Grand List. These uses are essential to a vibrant successful community. Changes in zoning districts will be evaluated based on characteristics of the surrounding areas". This statement is a core belief of the TPZ that any development coming before the TPZ will be given a fair and objective review being sure that the Town will be served by the best project being considered. This is followed up in the Vision Statement that Newington will "encourage new development of older sites in harmony with surrounding areas. Having considered the Council's comments, the Commissioners opinions and views of the public he is presenting his opinion to the Council. If you agree with what he presents, he will convey this to the TPZ Commission meeting scheduled for tomorrow night, June 9th. Mayor Wright asked Mr. Pruett if Mr. Pruett is making the representation to the Council that you've straw polled the members of the TPZ and they agree with these recommendations. Mr. Pruett answered yes that it is with the consensus of the Commissioners. 1) The TPZ would like to take part in notifying the residents when the next plan will be scheduled for public hearing. The TPZ will be requesting that an annual budget be authorized to cover the approximate cost of \$4500.00 for a post card mailing for an estimated 12,000 households, spread over the 9 to 10 years. This would respond to the many residents who are not made aware of this issue to the existing methods of communications used. The revised Page 4 to read "In efforts to keep the public informed, the Town Planning & Zoning Commission will use data from the tax office to send notification that the Plan of Conservation and Development will soon begin public hearings". This notice will be sent out at least 15 days prior to the commencement of such hearings.

2) Page 9 Conditions and Trends, housing in Newington. During the past several months this topic received much attention from the public and most recently from the three Councilors who attended the TPZ meeting of May 26th. That high density housing is not something that should be promoted in our plan and for our community. He is in complete agreement with Councilor Cohen's comment that "shall discourage" is not the same as "shall not" and "should stay as currently zoned" is not the same as "must stay as currently zoned". The supporting comments made by Councilors Banach, Nasinnyk, Cohen, McBride and Klett reflect the sentiment that zoning should not allow higher density housing and is felt that the majority of Commissioners agree with the existing language in Draft #3 stating that the changes remain as written. 3) Page 37, Strategy 6 – in full agreement with the entire Town Council, the TPZ and members of the public that the National Welding park be given priority for reuse and redevelopment. It's important and paramount to get this property developed and back on the Grand List. He believe the following language is the appropriate statement to promote this site. "The rezoning of the National Welding property should be considered to be changed to the Planned Development District. This unique property is at the gateway location adjacent to the proposed Hartford-New Britain Busway. The reuse and redevelopment of this property will be taken in consideration based on the merits of economic development that is compatible with the surrounding area". 4) Councilor Cohen's remarks on syntax and grammar are recognized and appreciated and will be revised in the final draft. Also her comments on Page 11 on the land use table will be revised for clarity. Also on Page 49, strategy 11 regarding the use of sidewalks by both bikes and pedestrians will be further discussed to ensure greater public safety. In closing Chairman Pruett appreciates all the work and comments put into this. In closing he stated that all the comments from all the Councilors illustrate the spirit of what's best for Newington and he appreciates all their hard work.

Mayor Wright commented that looking at what have been recommended and grammatical corrections by Councilor Cohen, there's not much controversy with that.

Councilor Casasanta moved the following:

WHEREAS, Chapter 126, Section 8-23 (f) requires the municipal legislative body (Town Council) to receive the draft POCD for its endorsement or rejection or comments and recommendations to the Commission; and,

WHEREAS, a municipal plan of conservation and development is a long range vision and advisory guide that recommends future land use options, identifies opportunities for coordinating development and the preservation of open space; now

THEREFORE BE IT RESOLVED, that the Town Council hereby endorses Draft #3 2020 Plan of Conservation and Development and recommends the Commission consider the following modification:

Make Editorial Changes as prepared by Councilor Cohen throughout the Plan, a list of which is attached to this resolution.

BE IT FURTHER RESOLVED, that the Town Council acknowledges and extends its appreciation to the Town Plan and Zoning Commission for its extraordinary efforts to engage the public in the preparation of the 2020 Plan of Conservation and Development and offers this recommendation as a constructive modification to improve the long range usefulness of this important public document.

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Banach

VOTE: 8 – 0 Councilor Klett absent

Councilor Lenares moved the following:

WHEREAS, Chapter 126, Section 8-23 (f) requires the municipal legislative body (Town Council) to receive the draft POCD for its endorsement or rejection or comments and recommendations to the Commission; and

WHEREAS, a municipal plan of conservation and development is a long range vision and advisory guide that recommends future land use options, identifies opportunities for coordinating development and the preservation of open space; now

THEREFORE BE IT RESOLVED, that the Town Council hereby endorses Draft #3 2020 Plan of Conservation and Development and recommends the Commission consider the following modification:

Using the Town Revenue Collector's tax list, the Commission will send notice of the proposed amendments to the Plan of Conservation and Development in efforts to keep the public informed at least fifteen (15) days prior to the commencement of the Commission's Public Hearing.

BE IT FURTHER RESOLVED, that the Town Council acknowledges and extends its appreciation to the Town Plan and Zoning Commission for its extraordinary efforts to engage the public in the preparation of the 2020 Plan of Conservation and Development and offers this recommendation as a constructive modification to improve the long range usefulness of this important public document.

Councilor Casasanta thanked the TPZ Commissioners for considering her recommendations.

Councilor Cohen doesn't think the Council should be telling the Commission how they should be spreading the information, and she does not think the tax mailings should include this information. She thinks that nine and a half years is a long time and at that point whoever is on the Board will remember since there was such a detailed process at this time, it should be left to them to decide.

Councilor Nasinnyk said that having gone to the TPZ meeting and had discussion on this issue and she thinks that there might be a statement that the public will be notified that at some point that there will be some information regarding this issue. She said that if this information went out with the tax bill, the Tax Department would probably be getting any questions on it. She doesn't feel it needs a Resolution from this Council.

Mayor Wright commented that the comments of Councilor Nasinnyk about the future and where we'll be does raise some issues.

Mr. Meehan the effort the Commission drafted in #3 was to go beyond the statutory requirements which is where the fifteen days comes from and the typical notices in the newspapers and filing in the Town Hall and various public places. He said that the Statutes on Plans of Conservation and Development are fairly new and that's why it was put up on the web page, and he agrees that nine years from now there could be so many different options, but the spirit ought to be to have the Commission take this beyond the normal routine statutory notices.

Chairman Pruett said that there could be other avenues of mailing for public distribution. Councilor Cohen suggested that no decision needs to be made tonight. The Mayor said that may be a suggestion of ways of reaching out to the public, not using the tax bill, just mailing in ten years from now the Post Office and the price of postage can be drastically different.

Mr. Salomone said that he has no preference in the notification to the public, but it should be left up to the TPZ to decide how to distribute. Mr. Meehan agrees that the Commission could work out the language to follow through with that. Mr. Pane stated that originally the suggestion to use the tax bill was knowing that it was only once in 9 years and might save the Town a few dollars in mailings, but knowing the Councilors and the Mayor's intent is not to put it in the tax bill, he thinks the Commission can consider other avenues and the Commissioners can discuss this at the next meeting.

Mayor Wright said that it's important that if we are going to do notifications to notify all property tax payers because they are impacted by this and a lot of them don't live in Newington.

MOTION BY: Councilor Lenares
SECONDED BY: Councilor Casasanta
NO VOTE

**After the discussion, Councilor Lenares withdrew his motion. Councilor Casasanta seconded.
Vote 8 – 0 to withdraw Councilor Klett absent**

Councilor Casasanta moved the following:

WHEREAS, Chapter 126, Section 8-23 (f) requires the municipal legislative body (Town Council) to receive the draft POCD for its endorsement or rejection or comments and recommendations to the Commission; and,

WHEREAS, a municipal plan of conservation and development is a long range vision and advisory guide that recommends future land use options, identifies opportunities for coordinating development and the preservation of open space; now

THEREFORE BE IT RESOLVED, that the Town Council hereby endorses Draft #3 2020 Plan of Conservation and Development and recommends the Commission consider the following modification:

Amend page nine (9) of the Plan to replace the phrase “shall discourage any changes” to “may discourage any changes”.

BE IT FURTHER RESOLVED, that the Town Council acknowledges and extends its appreciation to the Town Plan and Zoning Commission for its extraordinary efforts to engage the public in the preparation of the 2020 Plan of Conservation and Development and offers this recommendation as a constructive modification to improve the long range usefulness of this important public document.

Councilor Casasanta stated that she appreciates the compromise. Councilor Cohen said she agrees with Chairman Pruett and that it should remain as is. Councilor Nasinnyk said that if something comes through the Commissioners could just say they won't look at it at all. At the meeting she learned that all applications will be looked at and if it meets the proper requirements it would be given consideration. She will not support this resolution.

Vice Chairman Pane stated that the Commissioners knew what they were doing with this wording and they wanted to discourage this type of changing of the zones. If someone comes in the Commissioners may discourage them, they may come back with something special then the Commissioners will agree to look at it,

but it would have to be very special. With 92% of the Town being developed they would be trying to discourage any zone changes. Mr. Pruett said that if something comes in that's attractive to the Town, to the Town Council, to Mr. Meehan, the Town Planning & Zoning then it will be considered in going forward.

Councilor Lenares said that if we leave "shall discourage" in there is that giving the TPZ flexibility. Mr. Pruett said that yes, this gives the flexibility to the TPZ. He said that the vision statement on page 2 explains that. Mr. Meehan said that the vision does give the flexibility and through the conversations tonight they've made the record that they interpret this as giving them flexibility on those occasions when they have an application that is outstanding. The other thing that the Commission has to be careful of is to understand that this is an advisory document and they are not pre-judging any applications that may come before them. He said that either way this gives them the latitude they need as it is in Draft #3 and they have to evaluate each application on its merits. Mayor Wright asked with this language, where the condominiums are where the drive-in was could that have been changed to residential for that project. Mr. Meehan answered yes, as it reads "shall discourage". He said that's a good example of where that piece, because of its geography, was an ideal piece as a transitional piece and it's turned out that it works there.

Mayor Wright stated that the vision statement says that an application will be examined considering surrounding zones, or adjacent zones is that the wording used. Mr. Pruett said yes, applications will be evaluated on the characteristics of the surrounding area and also in harmony of surrounding areas.

Mayor Wright said that for example, the hot topic of Cedar Mountain, the 28 acres there, is that commercially zoned or industrially zoned. Mr. Meehan said that's commercial development zone. Mayor Wright asked about the corner piece with the hotel and gas station. Mr. Meehan said that that is zoned as a Berlin Business Turnpike. Mayor Wright asked that the piece to the North which is a significant amount of acreage that R20 which is half acre residential lots, and under this language could the owner of that property change it from commercial to some kind of residential zone. Mr. Meehan answered no. Any property owner can petition the Commission for a zone map and doing that going from commercial to residential, they would have to enter into the record the reasons that this owner feels merit the change in zone. The Commission would look at that based on this language, they would take into account the R20 land on either side and the geographic and characteristics of the area. He said that none of this language will prohibit any applicant from filing with the Commission.

Mr. Salomone is in agreement with the evaluation on the merits and thinks that "shall" is a much stronger message but should also relay the message that everything with the proper merits will be considered. Councilor Banach said that as Mr. Meehan pointed out any application has to stand on its own merit and he would oppose this resolution. Councilor McBride also opposes this resolution, with kudos to the Commission for their work and took into consideration what the public had to offer. He is glad that it was looked at closer after all the discussion. It will be up to the TPZ to judge every applicant on its merits and all this discussion has strengthened his confidence in the Commission. He will not support this resolution. Councilor Nagel said that at a previous meeting the use of "shall" may have some legal ramifications and somewhere along the line it may come back and be used as some kind of legal case and with a different meaning. Mr. Meehan said that it might be used as some kind of appeal, which would be up to the courts to decide if the Commission was in error. He said that the reason that this language is in there is because of the limited supply of commercial land. In changing zones that are in low supply are we hurting that type of development, so the Commission is looking hard at a change from a commercial to a non-commercial zone and will not invite a change without looking at the merits of that location.

Councilor Cohen stated that the "shall prohibit" or "may prohibit" is a whole different issue, putting in "shall" has the intent of being a little stronger. Councilor Casasanta said that if someone wants to come forward with an application and sees the "shall discourage" will that be helpful or hurtful to someone who wants to come to Town and investigate an opportunity. Mr. Pane said it would have to be something very special because we have a low availability of Town land left to develop and we need to be careful in changing any zoning. He said that now is the time to tighten things up and bring in some quality things along with open space for the remaining amount of land that's left. Mayor Wright commented on spot zoning, when the Toll Brothers came in with the drive-in change did they propose changing other zones. Mr. Meehan said that their presentation to the Planning and Zoning Commission was that it merited a change of zone because it was a transitional use of going to the R12 zone which was compatible with the adjacent residential and not considered spot zoning.

Mayor Wright commented on the hard work done by the Commissioners, and feels that the TPZ has the control and flexibility, and better for long term and he will support this resolution.

Mayor Wright requested a roll call vote.

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Nagel
ROLL CALL VOTE

Councilor Banach	no
Councilor Casasanta	yes
Councilor Cohen	no
Councilor Klett	absent
Councilor Lenares	yes
Councilor McBride	no
Councilor Nagel	yes
Councilor Nasinnyk	no
Mayor Wright	yes

Motion fails 4 – 4 Councilor Klett absent

Councilor Casasanta moved the following:

WHEREAS, Chapter 126, Section 8-23 (f) requires the municipal legislative body (Town Council) to receive the draft POCD for its endorsement or rejection or comments and recommendations to the Commission; and,

WHEREAS, a municipal plan of conservation and development is a long range vision and advisory guide that recommends future land use options, identifies opportunities for coordinating development and the preservation of open space; now

THEREFORE BE IT RESOLVED, that the Town Council hereby endorses Draft #3 2020 Plan of Conservation and Development and recommends the Commission consider the following modification:

Amend page 37, strategy number 6 to read: “Consider rezoning National Welding to the Planned Development District and promote as a gateway location adjacent to the proposed Hartford-New Britain busway. The reuse of this property will be considered based on the merits of economic development compatible with the surrounding area.”

BE IT FURTHER RESOLVED, that the Town Council acknowledges and extends its appreciation to the Town Plan and Zoning Commission for its extraordinary efforts to engage the public in the preparation of the 2020 Plan of Conservation and Development and offers this recommendation as a constructive modification to improve the long range usefulness of this important public document.

Councilor Nasinnyk stated that the TPZ Commission has considered wording for this and it's redundant for us to vote our resolution, so she will oppose this resolution. Councilor Cohen also would like to leave it up to the TPZ. Councilor McBride agrees that there is a lot of positive things in this resolution however he will not be supporting it. Councilor Banach thinks its best to leave it up to the TPZ and he will not be supporting this resolution. Mayor Wright commented that it seems ironic that we have an objection to “tying the hands of the TPZ” from passing the Resolution when our first Resolution of the evening was the recommendations of very specific grammatical changes of Councilor Cohen unanimously passed.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nagel
ROLL CALL VOTE

Councilor Banach	no
Councilor Casasanta	yes
Councilor Cohen	no
Councilor Klett	absent
Councilor Lenares	yes
Councilor McBride	no
Councilor Nagel	yes
Councilor Nasinnyk	no
Mayor Wright	yes

Motion fails 4 – 4 Councilor Klett absent

D High School Code Compliance – Accept Bids

Mr. Steve Woods, Chairman Board of Education stated that they are in very good shape with this bid which includes hazardous material abatement of the gym subflooring and subsequent replacement of the floor. The Committee concluded that Millennium Builders was the lowest responsible bidder. Councilor Nagel agrees on this bidder, and said at the last meeting there were actual samples of the flooring that two other bidders had proposed without letting us know in advance that they were not filing the specifications of what was presented to them. He said he could readily see the difficulties in using the substitute flooring. He said that the Committee wanted to make sure it was done right and would last at least 39 years. Mr. Woods said that Councilor Nagel is correct in that the previous floor had failed with inadequate material, about six months after installed in 1971. This new installation should last 35 to 40 years with no problems. Mayor Wright asked about a completion date and Mr. Woods answered it should be early October.

Councilor Casasanta moved the following:

RESOLVED:

That the Newington Town Council, pursuant to Chapter 8, Article X, Project Building Committees, of the Newington Code of Ordinances; and following authorization of the State of Connecticut Department of Education to proceed to bid for Project numbers 094-0097 CV and 094-0098 CV, in their correspondence of May 3, 2010; and upon the recommendation of the School Code Compliance Committee; hereby accepts the base bids for Bid Number 11, 2009-10, and the bid for Add Alternate Number One for the wood athletic flooring guarantee, of Millennium Builders of Rocky Hill, Connecticut, in the amount of \$ 741,010 for Newington High School Code Compliance Alteration, Phase One. Further, the Newington Town Council authorizes the Town Manager, John L. Salomone, to execute appropriate contracts with Millennium Builders of Rocky Hill, Connecticut to accomplish the construction in accordance with the bid specifications.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nasinnyk
VOTE: 8 – 0 Councilor Klett absent

VI CONSIDERATION OF OLD BUSINESS

A. Placement of coverage – Liability Insurance

Mayor Wright noted that the meeting is scheduled for June 14th and come back with a recommendation to the Town Council, which will be for CIRMA. He noted that CIRMA has had such good performance over the last several years. Councilor Nasinnyk said that CIRMA is making a proposal that is beneficial to the Town.

B. Year End Transfers

Ann Harter, Finance Director, stated that this is house cleaning budget transfers and she is requesting transfers to three departments 1) 110 Town Council for part time services. She is requesting \$2000. 2) 230 Fire Department due to the Pay Per Call program. The annual revenue for the Fire Training Tower received from Berlin and Wethersfield has accumulated to \$10,391. She is requested \$20,000. 3) 700 Library – to cover overages in full and part time salaries due to medical leave and retirements of full time personnel. She is requesting \$9,910. Mr. Salomone noted that these are very minimal transfers which is a good thing for us.

C. 8-24 Referral Report: State of CT Replacement Bridge Land Acquisition – Cedar Street

Mr. Salomone received a letter from the State of CT regarding the acquisition of a 5,479 square foot parcel of Town owned property located at 690 Cedar Street. He has attached a map and estimates of compensation to the Town. Mr. Salomone is not asking for approval now but only for a referral tonight. Councilor Banach questioned the three items on the letter totaling total damages of \$27,000.

Mr. Salomone explained that that's legal term for when they acquire property. Councilor Nasinnyk asked if this is for one bridge over the railroad tracks. Mr. Salomone answered that this is to replace the first bridge closest to Fenn Road, and there will be some provisions for expansion and sidewalks and other things but mainly because of the structural deficiencies. Councilor Nagel asked what the TPZ needs to do. Mr. Salomone said that any sale of land within the Town first goes to TPZ which makes a recommendation back to us and how it impacts the development of the Town. Councilor Nagel asked how this will affect Cedar Street traffic. Mr. Salomone said that most of the work will be done under the bridge.

VII RESIGNATIONS/APPOINTMENTS

16. Clem Lemire Artificial Turf Field Project Building Committee

9 members: 2 NTC, 3 P&R Board, 4 Public

Public: Richard Khentigan	79 Whitewood Road	D	IMMED. – PROJECT END	N/A
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MOTION BY: Councilor Banach

SECONDED BY: Councilor Nasinnyk

VOTE: 8 – 0 Councilor Klett absent

VIII WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC.

A. Town Manager Reports - NONE

IX COUNCIL LIAISON/COMMITTEE REPORTS

X PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive - echoes the comments on limiting the time of the public to speak to the Council, she hoped that the Mayor would be more flexible with the time given to the public. As far as the telephone line, 860-665-8736 should be announced at the end of public participation for anyone at home who wishes to call. She thanked Travis Francis for all he has done on the pathway she hopes that someone from the Town might be able to get out there and help clean it up.

XI REMARKS BY COUNCILORS

Councilor McBride thinks it's a shame that there has been more destruction to the pathway, and Travis had made a point that his peers were outraged and that's a good thing, it's positive and this goes for any project in Town. The peers being outraged will ripple throughout the community and he would hope that the outrage will reach the people responsible. At the end of the day something very positive will happen because of Travis and his hard work.

Councilor Cohen wanted to acknowledge Ann Harter for her excellence and good work in receiving the annual award for financial reporting.

Councilor Nasinnyk said that she is very familiar with the path that Travis has worked so hard to improve and she wants Travis to know that whatever he is planning she would do her best to help and support however she can. She also noted that receiving the four resolutions so late today was too late to review and she would rather have some notice of the resolutions before the day they are to be voted on. Councilor Banach said that regarding the pathway, he believes it's time to put some teeth into our ordinances, unless people realize that from this behavior some consequence can be applied to them.

Councilor Nagel said he was distressed to see what happened at the pathway and he will also support any efforts for that project. He also felt that he had received the four resolutions sooner so there would have been more time to review them. Councilor Casasanta appreciated that the resolutions were broken down as

requested. Councilor Lenares regarding the pathway, he said that he and his family went over and met with Travis and his Mom and Dad, it looks like jealousy, and kids doing this for no reason at all and it's sad. He believes that something good will come out of Travis's efforts and Councilor Lenares offered his company in support of whatever Travis takes on. Mayor Wright agreed that these people cannot win, hopefully Travis will have his Eagle Scout award in the very near future.

Mayor Wright reminded everyone about this Thursday, June 10th the fourth annual car show in downtown Market Square, also an open house Saturday, June 12th at the Iwo Jima Memorial, with the Marines present and will be a great event for the kids. Lastly next Thursday the 17th, the Farmers Market at Constitution Square which will go through late October, and he and his family will be away on vacation so he will not be at the next Council meeting, and also celebrating his fifteenth wedding anniversary.

XII ADJOURNMENT

Councilor Lenares moved to adjourn at 9:30 pm
Seconded by Councilor Nagel
Vote 8 – 0 Councilor Klett absent

Respectively submitted,

Mary Richard
Council Clerk